

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Case No.: _____
Chapter 13

In re:
Leonardo Miclat and
Annie Miclat,
Debtors.

CHAPTER 13 PLAN

The Debtors submit the following Chapter 13 Plan:

1. The future earnings of the Debtors are submitted to the supervision and control of the Trustee, and the Debtors shall pay to the Trustee the sum of \$1,797.73 per month for a period of sixty (60) months.
2. From the payments so received, the Trustee shall make disbursements as follows:
 - a. Priority Claims.
 - i. The fees and expenses of the Trustee shall be paid over the life of the plan at the rate of ten percent (10%) of the amount of all payments under the plan.
 - ii. The Debtors' attorneys, Cleaveland & Cleaveland, P.L., shall be paid \$6,500.00 in attorney's fees. The Trustee shall pay the Debtors' Attorneys at a rate of \$200.00 per month for months one through thirty-two (1 - 32) of the plan and \$100.00 in month thirty-three (33) to pay the balance in full.
 - iii. The Debtors' attorneys, Cleaveland & Cleaveland, P.L., shall be paid an administrative fee of \$25.00 per month over the life of the plan.
 - b. Secured Claims.
 - i. **US Bank Home Mortgage** holds a first mortgage on the Debtors' principal residence located at 2583 Bentshire Drive, Jacksonville, Florida 32246. The Debtor intends to file a motion for mediation of the note and anticipates the monthly payments to be \$1,372.58. The Trustee shall make payments to this creditor of \$1,372.58 per month for months one through sixty (1 - 60) of the plan.

- ii. **USAA Federal Savings Bank** holds a second mortgage on the Debtor's principal residence located at 2583 Bentshire Drive, Jacksonville, Florida 32246. This lien is completely unsecured and the Debtor shall file an adversary proceeding to determine the secured status of this lien. This claim shall receive a pro-rata distribution with the unsecured class of creditors.
- iii. **Duval Auto Wholesale** holds a lien on the Debtors' 2003 Jeep Grand Cherokee. The balance on this account is \$3,588.72. This debt shall be re-amortized and paid in full over the life of the plan with interest accruing at a rate five and a quarter percent (5.25%), which has been figured into the following payment schedule. The Trustee shall make payments to this creditor as follows:
 - 1. \$20.37 per month in months one through thirty-two (1 – 32) of the plan;
 - 2. \$120.37 per month in months thirty-three through forty-eight (33 – 48) of the plan;
 - 3. \$10.64 in month forty-nine of the plan to pay this balance in full.

c. Unsecured Claims.

- i. **Unsecured creditors**, including those secured creditors who have deficiency claims or whose liens have been avoided and who timely file proofs of claim shall receive distribution pro-rata.
- ii. Any claim filed after the claims bar date set by the Court shall receive no distribution under this plan, unless specifically provided for above.
- iii. The Debtors do not reject any executory contracts.
- iv. Title to all property of the estate shall revert in the Debtors upon entry of discharge.
- v. *Except as provided for in the plan, the order confirming the plan or other court order, no interest, late charges, penalties or attorney's fees will be paid to or accessible by any secured creditor. 11 U.S.C. Section 1327(a) provides:*

"The provision of a confirmed plan bind the debtors and each creditor, whether or not the claim of such creditor provided for by the plan, and whether or not such creditor has objected to, has accepted, or has rejected the plan."

Once the Debtors successfully complete the Chapter 13 plan and a discharge is entered by the Court, NO SECURED CREDITOR WILL BE ALLOWED TO ADD LATE CHARGES, PENALTIES, INTEREST OR ATTORNEY'S FEES FROM THE BEGINNING OF TIME THROUGH THE DATE OF DISCHARGE.

Dated this 29th day of July 2014.

Cleaveland & Cleaveland, P.L.

/s/ Michael Ross Cleaveland
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